

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Vincent Payne,

Plaintiff,

v.

Case No. 1:16cv514

C/O Nicholas J. Gifford, *et al.*,

Judge Michael R. Barrett

Defendants.

ORDER

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on September 5, 2017 (Doc. 55).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation have been filed.

Accordingly, it is **ORDERED** that the Report and Recommendation (Doc. 55) of the Magistrate Judge is hereby **ADOPTED**. Consistent with the recommendation by the Magistrate Judge, Defendants' Motion for Summary Judgment (Doc. 49) is **GRANTED** on all grounds except exhaustion and Defendants' Motion to Dismiss is **DENIED**. This matter is dismissed with prejudice.

IT IS SO ORDERED.

s/Michael R. Barrett
Michael R. Barrett
United States District Judge